

STATUS OF CLAIMS

Claims 15, 19-22, 25-30, 45, 46, 48 and 63 are pending in the application. Claims 1-14, 16-18, 31-44 and 52-62 have been withdrawn from consideration. Claims 15, 19-22, 25-30, 45, 46, 48 and 63 were finally rejected in the Office Action dated January 22, 2008. Claims 1-14, 16-18, 23-24, 31-44, 47 and 49-62 have been canceled. Applicants' appeal the final rejection of claims 15, 19-22, 25-30, 45, 46, 48 and 63 which are copied in the attached CLAIMS APPENDIX.

STATUS OF AMENDMENTS

No Amendment After Final is enclosed with this brief. The last Amendment was filed August 7, 2007.

SUMMARY OF CLAIMED SUBJECT MATTER

Independent Claim 15

Claim 15 is directed to an isolated expression construct comprising the following operably linked elements: a transcriptional promoter; a nucleic acid sequence that encodes the polypeptide encoded by SEQ ID NO:25 (Sequence Listing, pages 21-22; Figure 9) ; and a transcriptional terminator (paragraph [0020] on page 5).

Independent Claim 45

Claim is directed to an isolated COT viral gene sequence (paragraph [0014] on page 4), wherein the sequence is at least 70% identical to SEQ ID NO:25 (Sequence Listing, pages 21-22; Figure 9).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. The rejection of claims 15, 19-22, 25-30, 45, 46, 48, and 63 under 35 U.S.C. §112, first paragraph, as lacking enablement.

ARGUMENT

Claims 15, 19-22, 25-30, 45, 46, 48, and 63 are pending in the current